

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

FREDA BROWN MITCHELL,

Plaintiff,

v.

ALLEGIANT AIR, INC.,

Defendant.

Case No. 2:25-cv-02189-SB-RAO

ORDER TO SHOW CAUSE RE
SANCTIONS

The Court set a mandatory scheduling conference (MSC) in this case for April 18, 2025. Plaintiff's lead counsel, An Van Le, failed to appear in violation of the Court's Standing Order. Dkt. No. 11 at 2. He did so after the Court denied the request of Plaintiff's nonlead counsel, David Alan Intrabartolo, to appear remotely as the MSC, reminding him that "[l]ead counsel must attend all proceedings set by this Court." Dkt. No. 17 (quoting Dkt. No. 11 at 2). Despite that explicit direction, Mr. Intrabartolo appeared, rather than Mr. Van Le, and represented to the Court that Mr. Van Le had directed him to do so. Mr. Van Le's failure to appear violates the Court's Standing Order, and the surrounding circumstances—i.e., Mr. Van Le instructing Mr. Intrabartolo to appear in the face of a subsequent order emphasizing that lead counsel had to appear—raises serious questions about the willfulness of the violation.

Moreover, the parties' joint Rule 26(f) report, as well as Mr. Intrabartolo's representations at the MSC, raise questions about whether Mr. Van Le has complied with his obligations under Rule 11 of the Federal Rules of Civil Procedure. It is not clear what, if any, investigation he performed before filing the complaint to identify the party or parties who might be responsible for the injuries alleged.

Accordingly, Mr. Van Le is ordered to show cause, in writing, no later than April 23, 2025, at 9:00 a.m., why he should not be: (1) sanctioned under Rule 16(f) or be found in contempt under 18 U.S.C. § 401 for his violation of a court order and his failure to appear;¹ and (2) sanctioned under Rule 11 for failing to conduct an adequate investigation before filing the complaint. In the written response, counsel shall state whether he has ever been sanctioned by any court or agency or the subject of an order to show cause (OSC) for failing to follow any court rule or order. The Court sets the OSC for hearing on April 25, 2025, at 8:30 a.m.

Date: April 21, 2025



Stanley Blumenfeld, Jr.
United States District Judge

¹ The violation also impeded the conference, as Mr. Intrabartolo was not in a position to address questions more appropriately directed to Mr. Van Le.